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10/526,451

03/02/2005

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,451

Applicant(s)

ZAHND ET AL.

Examiner

Leslie J. Evanisko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 18-25 and 29 is/are rejected.
- 7) ☐ Claim(s) 15-17, 26-28 and 30-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03-02-2005
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I of Figure 1, claims 1-11 and 15-33, in the reply filed on August 20, 2007 is acknowledged.
2. Claims 12-14 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 20, 2007.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "P" has been used to designate both "clamping force P" (paragraph [0042]) and "straight line P" (paragraph [0043]).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference numeral 14' in Figure 3 has not been described in the specification. To correct this problem, it is suggested that the phrase --forming support surfaces 14'-- be inserted after "14" (first occurrence) in line 8 of page 23 of the substitute specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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6. The drawings are objected to because of the following minor informalities:

Reference numeral 13 has been described with reference to the embodiment of Figures 1-2 as spring elements. However, reference numeral 13 is also shown in the embodiment of Figure 3, but does not appear to be designating "spring elements" but a surface or wall of the channel opening. Appropriate correction and/or clarification is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Specification

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

8. The disclosure is objected to because of the following informalities: In paragraph [0008], it is suggested that the reference to U.S. Patent No. 5,123,353 be deleted since this patent was previously discussed in detail in paragraph [0007].

Appropriate correction and/or clarification is required.

Claim Objections

9. Claims 1-11 and 15-32 are objected to because of the following informalities:

With respect to claim 1, it is suggested that the term "a" (first occurrence) in line 12 be deleted and replaced with --an-- to use the appropriate article for the term "axis". Note a similar problem occurs in line 2 of claim 7, line 2 of claim 8, line 2 of claim 9, and line 2 of claim 25.

With respect to claim 2, it is suggested that the term "it" in line 2 be deleted and replaced with the term to which "it" is intended to refer to provide claim language that is more clear and concise. Note a similar problem occurs with the term "it" in line 2 of claim 4, in line 3 of claim 28, and in line 2 of claim 29.

With respect to claim 15, lines 2 and 3, it is suggested that the phrase "at least one" be deleted from each line since that is inconsistent terminology from that used in

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claim 1. Note a similar problem occurs in line 4 of claim 23, in line 4 of claim 27, in line 3 of claim 28

With respect to claim 16, again in line 2 it is suggested that the phrase "at least one" (first occurrence) be deleted. Also, it is suggested that the term "said" in line 2 be deleted since no additional clamping body was previously recited.

With respect to claim 20, it is suggested that the term "rotating" be deleted since no "rotating" cylinder was previously recited.

With respect to claim 21, in line 3, it is suggested that the term "the" (first occurrence) be deleted and replaced with --a-- since the cylinder was not previously recited as rotating or having a direction of rotation.

With respect to claim 23, line 5, it is suggested that the term "a," be deleted and replaced with --an-- to correct an obvious typographical error.

With respect to claim 24, line 5, it is suggested that the term "the" (second occurrence) be deleted and replaced with --a-- since no clamping force was previously recited.

With respect to claims 25, 27, and 28, each claim uses the term "preferably" which is unclear in meaning and scope.

With respect to claims 26 and 27, the term "the recess" has no proper antecedent basis. Additionally in claim 26, line 2, it is suggested that the term "said" be deleted since no filler was previously recited. Similarly, in line 4 of claim 27, it is suggested that the term "said" be deleted since no other opposite surface was previously recited.

With respect to claim 28, line 3, again it is suggested that the term "said" be deleted since no other surface was previously recited.

With respect to claim 29, line 3, again it is suggested that the term "said" be deleted since no limiting edges were previously recited.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-11, 19-25, 29, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallschlaeger, Sr. (US 5,010,818).

With respect to claim 1, Wallschlaeger, Sr. teaches a clamping device comprising a clamping body 25, 40, which has a surface that forms a clamping gap in the channel 12, 35 with an opposite surface 15 for at least one end of the packing 11 protruding through an opening of the channel;

a pressing means 32, 41, which presses the clamping body 25, 40 and the opposite surface 15 onto each other with a pressing force;

and a mounting means 30, 31, 43 which forms a support surface 31, 44, which touches the clamping body and on which the clamping body is supported;

wherein the center of gravity of the clamping body can be moved at right angles to an axis of rotation of the cylinder in a first direction relative to the cylinder and the support surface and in a second direction that is not parallel to the first direction

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relative to the cylinder. Particular attention is invited to all the embodiments shown in Figures 1-4. Note the clamping body arrangement of Wallschlaeger, Sr. includes movement of the clamping body as a result of inserting an end of the plate into the clamping gap and thus would result in movement of the center of gravity of the clamping body both downwardly and to the right.

With respect to claims 2-3, note the embodiments shown in Figures 3-4 include a movable mounting means 43 which guides the clamping body 40 at right angles to the axis of rotation of the cylinder.

With respect to claim 4, note all the embodiments of Wallschlaeger, Sr. include at least three support surfaces formed in the channel to center the clamping body and mount it movably at right angles to the axis of rotation of the cylinder.

With respect to claims 5, 7, and 9, note the clamping body in the embodiment of Figures 3-4 is broadly configured for rotary movement and arranged rotatably in the channel such that the clamping body can slide and/or roll on the support surface.

With respect to claims 6 and 8, note the surface of the clamping body of Wallschlaeger, Sr. is round and rotationally symmetrical relative to an axis of rotation of the clamping body.

With respect to claims 10-11, note the pressing means of Wallschlaeger, Sr. is a spring means 32, 41 which exerts a force of elasticity on the clamping body and the force has at least a radial component.

With respect to claim 18, note the claims are written in open "comprising" terminology and thus, Wallschlaeger, Sr. teach a single clamping body is arranged in the channel.

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With respect to claim 19, note the center of gravity of the clamping body of Wallschlaeger, Sr. is movable in relation to the mounting means at right angles to the force exerted by the pressing means.

With respect to claims 20-23, note at least the embodiment of Figures 1-2 have the leading and trailing sides of the channel formed such that the force exerted by the pressing means forms a triangle of forces with the clamping body being pressed against the opposite surfaces with an essentially equal force.

With respect to claims 24-25, note the plurality of clamping bodies 25 and plurality of spring elements 32 arranged at axially spaced locations and seated on shaft 30 as shown in Figure 2 in particular.

With respect to claim 29, note the channel of Wallschlaeger, Sr. in at least the embodiment of Figures 1-2 widens in its cross-section such that the channel opening is formed between the two limiting edges of the channel which have an acute-angled cross-section.

With respect to claim 33, Wallschlaeger, Sr. teaches a clamping device comprising

a clamping body 25, 40, which defines with an opposing surface of the cylinder a clamping gap in the channel 12, 35 for at least one end of the packing 11 protruding through an opening of the channel;

a pressing element 32, 41, which exerts an elasticity force on the clamping body, the pressing element including a bearing element 30, 31, 43 movable in a first direction against the elasticity force at right angles to the axis of rotation of the cylinder, the

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bearing element supports the clamping body 25, 40 in the first direction so that the clamping body and opposing surface 15 are pressed to each other with a clamping force;

the elasticity force pressed the clamping body simultaneously against the opposing surface 15 and an additional opposing surface formed on the other side of the channel diametrically opposite with respect to the channel;

the bearing element forming a guideway along which the clamping body can be moved in a second direction that is not parallel to the first direction at right angles to the rotation of the cylinder while the clamping gap is maintained. Particular attention is invited to all the embodiments shown in Figures 1-4.

Allowable Subject Matter

12. Claims 15-16, 17, 26-28 and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 15 in particular, the prior art of record fails to teach or fairly suggest a clamping device having all of the structure as recited, in combination with and particularly including, a pin projecting from the clamping body via which the clamping body is supported on the support surface.

With respect to claim 17 in particular, the prior art of record fails to teach or fairly suggest a clamping device having all of the structure as recited, in combination with and particularly including, the channel being provided for a plurality of packings arranged

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axially next to each other, and no more than a single clamping body is provided per packing.

With respect to claim 26 in particular, the prior art of record fails to teach or fairly suggest a clamping device having all of the structure as recited, in combination with and particularly including, the jacket surface of the cylinder including a recess and at least one filler inserted into the recess such that the filler forms the channel and limiting edges of the opening of the channel.

With respect to claim 30 in particular, the prior art of record fails to teach or fairly suggest a clamping device having all of the structure as recited, in combination with and particularly including, a blocking means which is coupled with the cylinder and with the clamping body and prevents movement of the clamping body against the clamping direction of rotation in a releasable blocking engagement.

With respect to claim 32 in particular, the prior art of record fails to teach or fairly suggest a clamping device having all of the structure as recited, in combination with and particularly including, the clamping body being rotatably driven.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wallschlaeger, Sr. (US 5,485,784) teaches a clamping device having obvious similarities to the claimed subject matter.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie J. Evanisko/
Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
November 25, 2007